

# Regulation 28: REPORT TO PREVENT FUTURE DEATHS

Steven James Oscroft (died 7 July 2020)

## REGULATION 28 REPORT TO PREVENT DEATHS

### THIS REPORT IS BEING SENT TO:

- 1 Paul Wainwright Construction Services Ltd
- 2 The Driver and Vehicle Standards Agency

### 1 CORONER

I am Gordon CLOW, Assistant Coroner for the area of Nottingham City and Nottinghamshire

### 2 CORONER'S LEGAL POWERS

I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.

### 3 INVESTIGATION and INQUEST

On Seventeenth July 2020 I commenced an investigation into the death of Steven James OSCROFT aged 60. The investigation concluded at the end of the inquest on 4th May 2021. The conclusion of the inquest was:

*Road traffic collision*

*The lorry from which the piece of concrete fell had a portion of its load which was uncovered and which was above the level of the sides of the vehicle. The piece of concrete which caused the collision came from the uncovered portion of the load.*

### 4 CIRCUMSTANCES OF THE DEATH

*Mr Steven Oscroft was driving his car along Netherfield Lane on 7 July 2020. He negotiated a right hand lane when a lorry was passing in the opposite direction. Both the lorry and Mr Oscroft's vehicles were being driven appropriately for the applicable speed restrictions and weather conditions.*

*The lorry travelling in the opposite direction shed a piece of concrete about 20cm in maximum width. This smashed through the windscreen and struck Mr Oscroft in the head, killing him instantly.*

### 5 CORONER'S CONCERNS

The MATTERS OF CONCERN are as follows:

Paul Wainwright Construction Services Ltd

Evidence was heard regarding the training and practices of loading tipper lorries at Paul Wainwright Construction Services Ltd.

1. Loads are 'mounded' such that in the middle of the load area, the height of the load extends above the level of the sides, whilst being below the level of the sides at the point at which the load contacts the side. Part of the load is therefore above the level of the sides, increasing the risk of items on the load falling or blowing off the vehicle.

2. Industry standard sheeting systems are in use which, when the load is 'mounded' in this way, causes the sheet to be drawn up. This results in part of the load being uncovered and liable to fall or be blown from the vehicle.
3. Such standard sheeting systems are not designed to be used on loads mounded above the level of the sides and cannot prevent 'blow off' from the areas of the load uncovered by the mesh.
4. Evidence was adduced of a number of loads on Wainwrights lorries which, because of the above practice, appeared to not be fully secure.

#### The Driver and Vehicle Standards Agency

Evidence was heard regarding the manner in which loose materials are loaded and secured onto tipper lorries.

1. The above-mentioned practice of 'mounding' loads above the level of the sides is standard practice within the industry.
2. Mesh sheeting systems are commonly deployed in circumstances when the mesh does not cover all of the material being carried.
3. Mesh sheeting systems are typically not secured at the sides and are installed in such a way as to leave a small gap at the sides and a larger gap at the back.

## **6 ACTION SHOULD BE TAKEN**

In my opinion action should be taken to prevent future deaths and I believe your organisations have the power to take such action.

## **7 YOUR RESPONSE**

You are under a duty to respond to this report within 56 days of the date of this report, namely by 8 July 2021. I, the coroner, may extend the period.

Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise you must explain why no action is proposed.

## **8 COPIES and PUBLICATION**

I have sent a copy of my report to the Chief Coroner and to the following Interested Persons:-

1. The family;
2. Shur-Co UK Ltd;
3. Blagrove Underwriting Agency Ltd'

I am also under a duty to send the Chief Coroner a copy of your response.

The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the coroner, at the time of your response about the release or the publication of your response by the Chief Coroner.



**Gordon CLOW**  
**Assistant Coroner for**  
**Nottingham City and Nottinghamshire**  
**Dated: 12 May 2021**